Description of the Current Procedure for Obtaining a License to Operate a Land Mobile Radio System [from the Federal Communications Commission]

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Description

At the March 30, 2004 SIEC meeting, staff was asked to produce a high-level document that describes the process that an agency must go through in order to obtain a license from the FCC to operate a radio system. A series of diagrams are attached to this briefing that will explain the process. The first two diagrams work in concert with each other. The third diagram is an even higher-level view of this process.

Recommendations to the Committee

- This is a report only, and does not require any action by the SIEC.
- The Technology/Frequency Management Working Group is working on an alternative to this procedure in light of the SIEC legislation. This alternative will incorporate an FTE who would be tasked with working this process for all state agencies.

Status

This is a report only; additional information will be presented at a subsequent SIEC meeting.

Issues

Although not designed to be overly cumbersome, the process to obtain licenses to operate a land mobile radio system is complex. Because of our proximity to Canada this process is compounded by additional beauracracy and is, almost without exception, extremely time consuming. Additionally, as frequency coordination is subject to a fee schedule, the costs associated with licensing are fairly expensive.

Background

For the purposes of this report, your attention is drawn to the diagrams that are attached to this briefing.

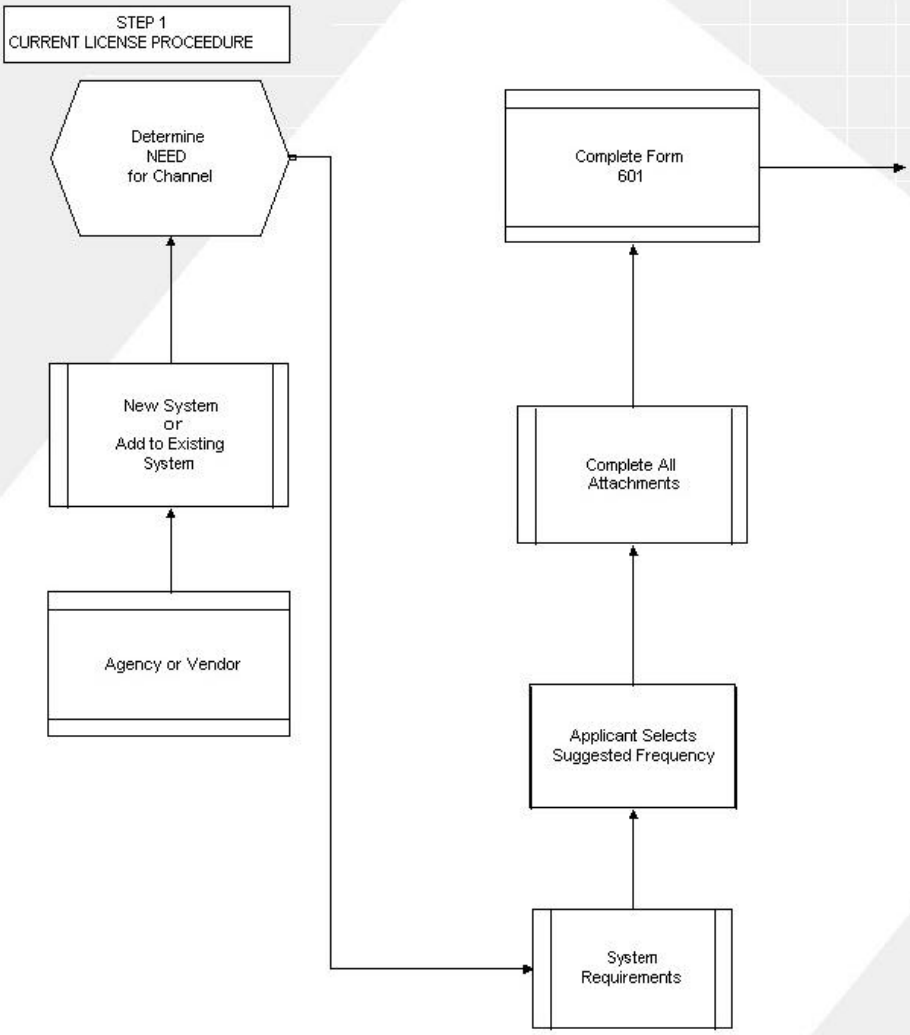


Figure 1 represents the first steps that are required today to obtain frequencies from the FCC in today's environment
As outlined, the initial steps are dependent upon the applicant determining a need for additional spectrum. This need is determined by a two-step process: (1) showing that there is a business requirement for the additioanl spectrum and (2) determining if the answer to the business requirement is an addition to an existing network or if the spectrum represents the beginning of a new network.

The next step begins the actual license requirements in the filling out of an FCC Form 601. There are a series of steps and requirements that are necessary for the 601 Form to be submitted. (1) The applicant must determine the system requirements. (What is it that you want your radio system to do? Why are those requirements important? Are there consequences for not adding to or creating the system?) (2) Based upon the requirements document, what frequency does the applicant wish to operate in? (3) Additional attachments that may be considered as supporting documentation for the request. (This documentation may be mitigation for use of a frequency that is being used in other nearby locations, i.e. mountain ranges.)

It is anticipated that this Figure and processes would be the area where the SIEC and its committees could impact the licensing process the most. That discussion will take place in other areas of this report.

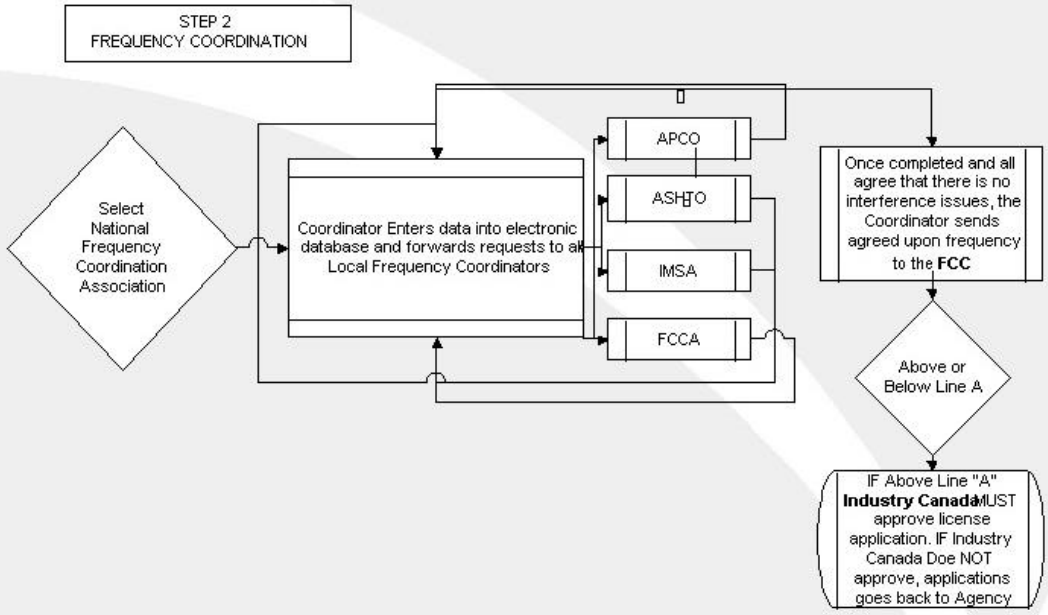


Figure 2 represents the second phase of applications for licenses. Once the proper forms are completed, the Agency must make a decision about which national frequency coordinator to send their packet of information to. This decision is predicated upon what 'type' of agency is making application. (For example, police and fire departments typically would send their applications to APCO, Highway/Transportation Departments would send packets to ASHTO, Forresty/DNR agencies would send packets to FCCA.)

The national frequency coordinator selected would enter required information into an electronic database. Once completed, and assuming there were no overt problems with the forms or frequency request, the national coordinator would send a request to each of the local frequency coordinators.

These local coordinators, being more familiar with their area researches the requested frequency, and if there are no concerns will approve the application. If however, there are concerns, i.e. a frequency requested is to close to another similar frequency and there is nothing to mitigate a potential interference issue, then any one of the four Local Frequency Coordinators may stop the license at that point. A Local Frequency Coordinator, at his option may suggest an alternative frequency and send that information to the National Coordinator. It is then up to the National Coordinator to decide if her wishes to vet the alternative frequency. If he does, then each of the Local Frequency Coordinators will be queried again for concurrence. Once this process is completed it is the National Frequency Coordinator who sends the approved license application to the FCC.

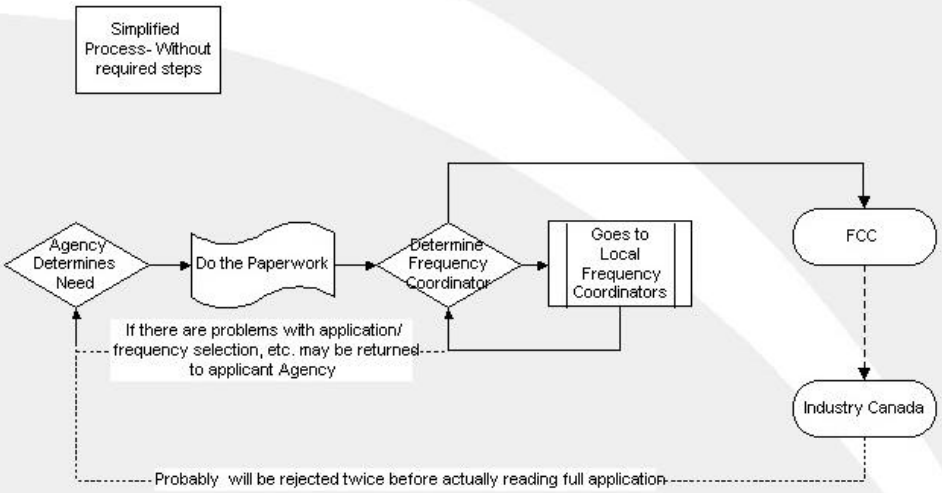
If the license holder will be operating his radio system below "Line A" then the FCC will issue a license.

If the license holder will be operating his radio system above "Line A" (200 miles south of the Canadian Boarder) then the FCC will send the license application to Industry Canada. As a matter of policy, all initial license requests perfected in the United States to operate systems above "Line A" are summarily rejected and sent back to the applicant. The applicant may re-file the same request and go through this entire process a second time, and again, Industry Canada will reject the license application. On the third attempt, assuming there is documentation assuring Industry Canada that the license holder will not cause interference, then the entire packet, including all of the requisite paperwork would be sent to Industry Canada for consideration. Generally, on the third attempt, a license would be granted.

A license application that is complete and has proper frequency allotments and mitigation, that falls below "Line A" may, under a best case scenario be completed in a 45-60 day time frame.

A license application that is complete and has proper frequency allotments and mitigation, that falls above "Line A" may, under a best case scenario be completed in a 270-360 day time frame.

In all cases where there are problems associated with frequencies, or if mitigation was not properly documented, the timeframe to obtain a license is increased substantially. In some cases where frequencies are simply not available, licenses will not be granted.


Simplified Process- Without required steps
Agency Determines Need
Do the Paperwork
Determine Frequency Coordinator
Goes to Local Frequency Coordinators
FCC
Industry Canada
If there are problems with application/ frequency selection, etc. may be returned to applicant Agency
Probably will be rejected twice before actually reading full application